

PATENT

Atty. Dkt. No. AMAT/5377/CMP/ECP/RKK

**REMARKS**

This is intended as a full and complete response to the Final Office Action dated December 31, 2003, having a shortened statutory period for response set to expire on March 31, 2004. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1 - 8, 10 - 22 and 24 - 75 remain pending in the application and stand rejected by the Examiner. Applicant has amended claims 1, 3, 27, 33, 35, 36, 38, and 68 to correct matters of form and to clarify features of the invention. Applicant notes that these amendments are not presented to distinguish a reference, and as such, Applicants submit that the claims, as amended, are entitled to a full range of equivalents, if not previously amended to distinguish a reference. Reconsideration of the rejected claims is requested for reasons presented below.

Claims 1 - 8, 10 - 22 and 24 - 37 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the rejection, and as such, reconsideration of the rejection is respectfully requested.

Claims 1 - 6, 10 - 18, 22, 24 - 52, 55 - 59, 62 and 63 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Sakisako* (U.S. Patent No. 4,749,552). The Examiner takes the position that *Sakisako* teaches or discloses each element recited in the rejected claims. Applicant respectfully traverses the rejection.

Applicant's independent apparatus claims 1 and 27 each recite a purge system in fluid communication with the analyzer and the sample delivery arrangement. This configuration allows for cleaning and purging of both the sample analyzer and the sample delivery arrangement, both of which can contaminate a subsequent measurement if not cleaned. *Sakisako* teaches structure configured to rinse/clean the analysis mechanism (See, column 3, lines 25 - 30 and column 5, lines 5 - 34), however, *Sakisako* does not teach structure configured to rinse or clean the sample delivery mechanism. As such, Applicant submits that *Sakisako* fails to teach each and every element recited in independent claims 1 and 27, and reconsideration of the rejection of

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claims 1 and 27 over *Sakisako*, along with each claim depending therefrom, is respectfully requested.

Further, Applicant's independent method claims 38 and 68 each recite purging/cleaning the analysis cell and the sample delivery conduit. As noted above, *Sakisako* does not teach or disclose cleaning or purging the sample delivery conduit. As such, Applicant submits that *Sakisako* fails to teach each and every element recited in independent claims 38 and 68. Therefore, reconsideration of the rejection of claims 38 and 68 over *Sakisako*, along with each claim depending therefrom, is respectfully requested.

Claims 1 – 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Becket* (U.S. Patent No. 5,389,546A). The Examiner takes the position that *Becket* teaches each and every element recited in claims 1 - 8. Applicant traverses the rejection and respectfully requests reconsideration of the rejection. More particularly, the Examiner points to column 9, lines 54 - 66 as teaching a purge system. However, Applicant submits that the combination of pumps and valves described at lines 54 - 66 are not equivalent to Applicant's purge system, as lines 54 - 66 describe dispensing a cleaning agent into the mixing chamber, onto the pH electrode, and through the fluid "exit stream." *Becket* does not teach or disclose a purge system in fluid communication with the analyzer and the sample "delivery" arrangement, as recited in claim 1. Therefore, reconsideration of the rejection of claim 1, along with dependent claims 2 - 8, is respectfully requested.

Claims 68 – 75 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Hoogendijk* (EPO Publication No. 0 517 339 A1). Applicant traverses the rejection and respectfully submits that *Hoogendijk* fails to teach each and every limitation recited in claims 68 - 75. More particularly, independent claim 68 recites purging the analysis cell and the sample delivery conduit with a purge system. *Hoogendijk* teaches cleaning the mixing vessel, but does not teach cleaning/purging the sample delivery conduit, as recited in claim 68. As such, Applicant submits that *Hoogendijk* fails to teach each and every element recited in claim 68, and reconsideration of the rejection of claim 68, along with claims 69 - 75 that depend therefrom, is respectfully requested.

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Claims 19 - 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sakisako*, as applied above, further in view of *Suthergreen* (U.S. Patent No. 5,351,725A). Applicant traverses the rejection and respectfully submits that the cited combination of references fails to teach, show, or suggest each and every element recited in claims 19 - 21. More particularly, *Sakisako* is discussed above, and *Suthergreen* teaches a system for monitoring liquid tank fills. However, neither *Sakisako* nor *Suthergreen* teach the purge system recited in claim 1, which is the independent claim from which claims 19 - 21 depend. As such, Applicant submits that claim 1 is allowable, and as a result of being dependent thereon, claims 19-21 are also allowable. Reconsideration of the rejection is respectfully requested.

Claims 53, 54, 60 and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sakisako*. Applicant traverses the rejection and respectfully submits that *Sakisako* fails to teach, show, or suggest each and every element recited in claims 53, 54, 60, and 61. More particularly, Applicant notes that *Sakisako* fails to teach a purge system that purges both the analysis cell and the fluid supply lines to the analysis cell, as recited in claim 38, the independent claim from which each of the rejected claims depend. Therefore, Applicant submits that the rejected claims recite subject matter that is neither shown, taught, nor suggested by *Sakisako*. Reconsideration of the rejection is respectfully requested.

Claims 8, 64 and 67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sakisako* further in view of *Janzen* (U.S. Patent No. 4,095,272). Applicant respectfully traverses the rejection. *Sakisako* is discussed above. *Janzen* teaches an automatic titration device configured to continuously measure the turbidity of a sample during the titration process. However, neither *Sakisako* nor *Janzen* teach the purge system recited in Applicant's claims. As such, reconsideration of the rejection is respectfully requested.

Claims 65 and 66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sakisako* and *Janzen*, further in view of *Nagy* (U.S. Patent No. 4,120,657). Applicant respectfully traverses the rejection. *Sakisako* and *Janzen* are discussed above. *Nagy* teaches a fluid sample analysis device configured to measure a property of a fluid, however, *Nagy* does not teach, show, or suggest purging an analysis cell and

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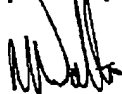
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a fluid supply conduit in fluid communication with the analysis cell after a measurement has been taken in order to reduce contamination, as recited in Applicant's claim. As such, reconsideration of the rejection is respectfully requested.

In conclusion, Applicant submits that the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Further, Applicant submits that the secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the Final Office Action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this Final Office Action.

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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